BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

00-13

In Re: Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 00-13
Table of Allotments,	)	RM-9679
FM Broadcast Stations.	)	
	)	
(Aberdeen, Elma and Montesano, WA)	)	

To: The Chief, Allocations Branch

COMMENTS OF KAYO BROADCASTING AND MARROW, INC.

KAYO Broadcasting and Marrow, Inc. (the "Petitioners"), by their attorney, pursuant to Section 1.415 of the Commission's rules and the Commission's Notice of Proposed Rule Making, DA OO-167, released February 4, 2000 ("NPRM") respectfully submit their comments in the captioned matter.

In response to the Petitioners' request, the NPRM proposed reallotting Channel 257C1 from Aberdeen to Elma, Washington and reallotting and upgrading Channel 271C3 at Elma to Channel 271C2 at Montesano, Washington. KAYO Broadcasting had further requested that the license of its station KAYO (FM), which operates on Channel 257C1, be modified to specify Elma as its community of license and Marrow, Inc. requested that its permit for KAPV (FM) be modified to specify operation on Channel 271C2 at Montesano in lieu of Channel 271C3 at Elma.

KAYO Broadcasting did not seek a site change for KAYO-FM. However, since the allotment would be short-spaced, KAYO Broadcasting specified a hypothetical fully-spaced site for reallotment purposes. The NPRM requested a gain and loss area study based upon the fully-spaced site. In response, we enclose a study conducted by Hatfield & Dawson, the Petitioners' consulting engineers. Therein, it is noted that while the hypothetical loss area would be significantly greater than the hypothetical gain area, 90% of the loss area and 99% of the loss area population would continue to be well-served, while a significantly larger portion of the gain area would receive only its third local

service. It is significant that KFMY (FM), Raymond, Washington, upon licensure of its current construction permit, would serve, and thereby eliminate, the entire underserved loss area.[1] Moreover, since no site change is being proposed for KAYO-FM (notwithstanding the hypothetical site being used for the purposes of this rule making), in practical terms there will be no gain or loss areas at all.

The NPRM further requested that the Petitioners provide information as to the overall public interest benefits to be derived from the proposed reallotments. We respectfully submit that the proposal will benefit the public interest by providing Montesano with its first local service. Montesano is an incorporated community with a 1990 census population of 3,247. It is the county seat of Grays Harbor County (1990 population: 64,175). It is an independent community 45 miles distant from the closest portion of the nearest urbanized area (Takoma, Washington). Aberdeen, in contrast, had a 1990 census population of only 16,565 and will continue to be served by three full-time stations – KDUX (FM), KXRO (AM) and KBKW (AM). As demonstrated in the Petition for Rule Making herein, the upgrade of the KAPV permit from Class C3 to Class C2 will result in a service increase of 2,576 square kilometers and 9,601 persons. Although there will be a slight loss area, none is underserved. However, the proposal would extend new service to a significant underserved area of 698 square kilometers and 2,145 persons. We further note that the community of Elma will enjoy a net improvement in the quality of its only local service, as KAPV (Class C3) would be replaced by KAYO (FM), a Class C1 station.

In sum, the proposed reallotments will result in a first local service for Montesano; an upgrade of Elma's only station from Class C3 to Class C1 facilities; and an extension of KAPV's service to 9,601 persons, of which 2,145 are underserved. We respectfully submit that these benefits amply compensate for the loss of Aberdeen's fourth local station and the creation of a slight KAPV loss area, all of which is well-served. The only detriment of the purely hypothetical move of KAYO-FM to a fully spaced allotment site is the creation of a loss area, less than 1% of which will lose its fifth aural

[1] See, e.g. Johannesburg and Edwards, California, 14 FCC Rcd 9557 (1999) (99% of loss area would still receive service from five licensed aural services and the remainder would be served by a new noncommercial educational permit).

service.[2] However, we respectfully submit that this hypothetical detriment is counterbalanced by the provision of a third local service to a larger portion of underserved gain area. Even so, the significance of the hypothetical loss would be further mitigated by KFMY's construction which will eliminate the entire underserved loss area, and by KAYO-FM's plans to remain at its present site, notwithstanding the hypothetical location of the allotment, thereby resulting in no practical gain or loss at all.

KAYO Broadcasting and Marrow, Inc. hereby respectfully restate their intention to promptly apply for and construct the requested facilities, if allotted.

In light of the foregoing, KAYO Broadcasting and Marrow, Inc. respectfully urge the Commission to adopt the NPRM.

Respectfully submitted,

KAYO BROADCASTING
MARROW, INC.

By: _____
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March 16, 2000

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[2] In Clinton and Okarabe, Oklahoma, 1999 FCC LEXIS 3260 (March 5, 1999), the Commission approved a reallotment that created a first local service for a community of 1,160 notwithstanding a loss of service to 54,423 persons and 7.796 square kilometers, of whom 7,590 would lose their fifth, 2,547 would lose their fourth, and 232 would lose their third aural service.

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ENGINEERING STATEMENT

IN SUPPORT OF COMMENTS IN MM DOCKET NO. 00-13

TO ASSIGN FM CHANNEL 257C1
FOR USE AT ELMA, WA

PREPARED FOR
KAYO BROADCASTING

3/2000

Engineering Statement

This Engineering Statement has been prepared on behalf of KAYO Broadcasting, in support of the proposed reallotment of Channel 257C1 from Aberdeen to Elma, Washington, in MM Docket No. 00-13.[1] In the Notice of Proposed Rulemaking in that docket, the Commission has requested the petitioner to provide a gain and loss area study based on the fully-spaced allotment site for KAYO(FM) proposed in this proceeding.

KAYO Broadcasting has not proposed to relocate the KAYO transmitter site in this proceeding. Nevertheless, since the licensed operation of KAYO is short-spaced to the licensed operation of KWJJ 258C1 at Portland, Oregon, a fully-spaced allotment site for KAYO at Elma has been identified at the KSWW 271C3 Elma transmitter site, the coordinates of which are NL 46° 57' 31" x WL 123° 35' 18".

Gain & Loss Area Analysis

The licensed operation of KAYO provides 60 dBu service to 385,096 persons in a 14,232 km² land area[2]. Operation at the proposed allotment site would provide 60 dBu service to 305,904

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[1]The reallotment of Channel 271C3 at Elma to Channel 271C2 at Montesano is also proposed in this rulemaking.

[2]For the purposes of this Engineering Statement, the 60 dBu service areas for commercial FM stations have been calculated assuming maximum facilities for the class of station, with the exception of Class C stations. For Class C stations, the minimum or existing Class C facilities, whichever is greater, have been used. For non-commercial FM stations, existing facilities have been used. Omnidirectional facilities, ignoring terrain effects, have been assumed for all FM stations.

For clear channel Class A stations, the reception area has been defined by the station's 0.5 mV/m groundwave contour, based on licensed facilities. For all other classes of full-time AM stations, reception service has been defined as that service received within the station's nighttime interference-free contour.

persons in a 13,219 km² land area. There is a gain of 1,470 persons in a 860 km² land area, and a loss of 80,662 persons in a 1,935 km² land area.

It is noted that the loss figures are larger than the gain figures. However, this circumstance is mitigated by the fact that KAYO Broadcasting has not proposed actual relocation of the KAYO transmitter site. Indeed, continued operation with the KAYO licensed facility would result in no gain or loss areas.

Underserved Area Analysis

Ninety percent of the loss area and 99% of the loss population will continue to receive service from 5 or more stations. A complete list of these stations is included with this Engineering Statement. A 185 km² area, containing 799 persons, will be left with 4 aural services.

It should be noted that KFMY 249C1 Raymond has been granted a construction permit for operation at the KAYO site on Minot Peak. Once the new KFMY facility is licensed, the underserved area described above will be eliminated.

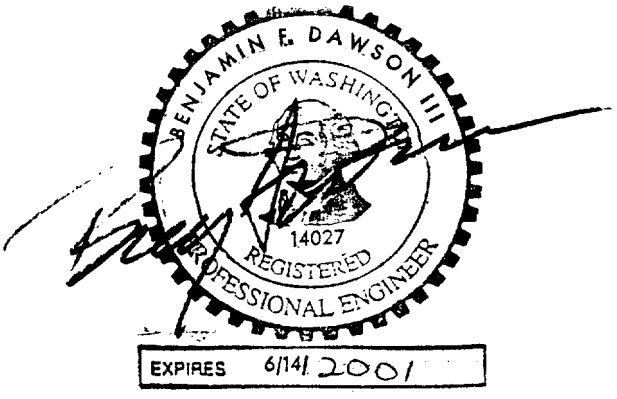
A total of 846 km² within the 852 km² gain area are presently underserved, receiving fewer than 5 aural services. A list of the stations serving the gain area is included with this Engineering Statement. Grant of the proposed reallotment would provide 1,245 presently underserved persons with their third local service (counting the proposed allotment of Channel 271C2 at Montesano as the second local service for these persons).

The attached map exhibit depicts the extents of the gain and loss areas, and the extents of the underserved areas described above.

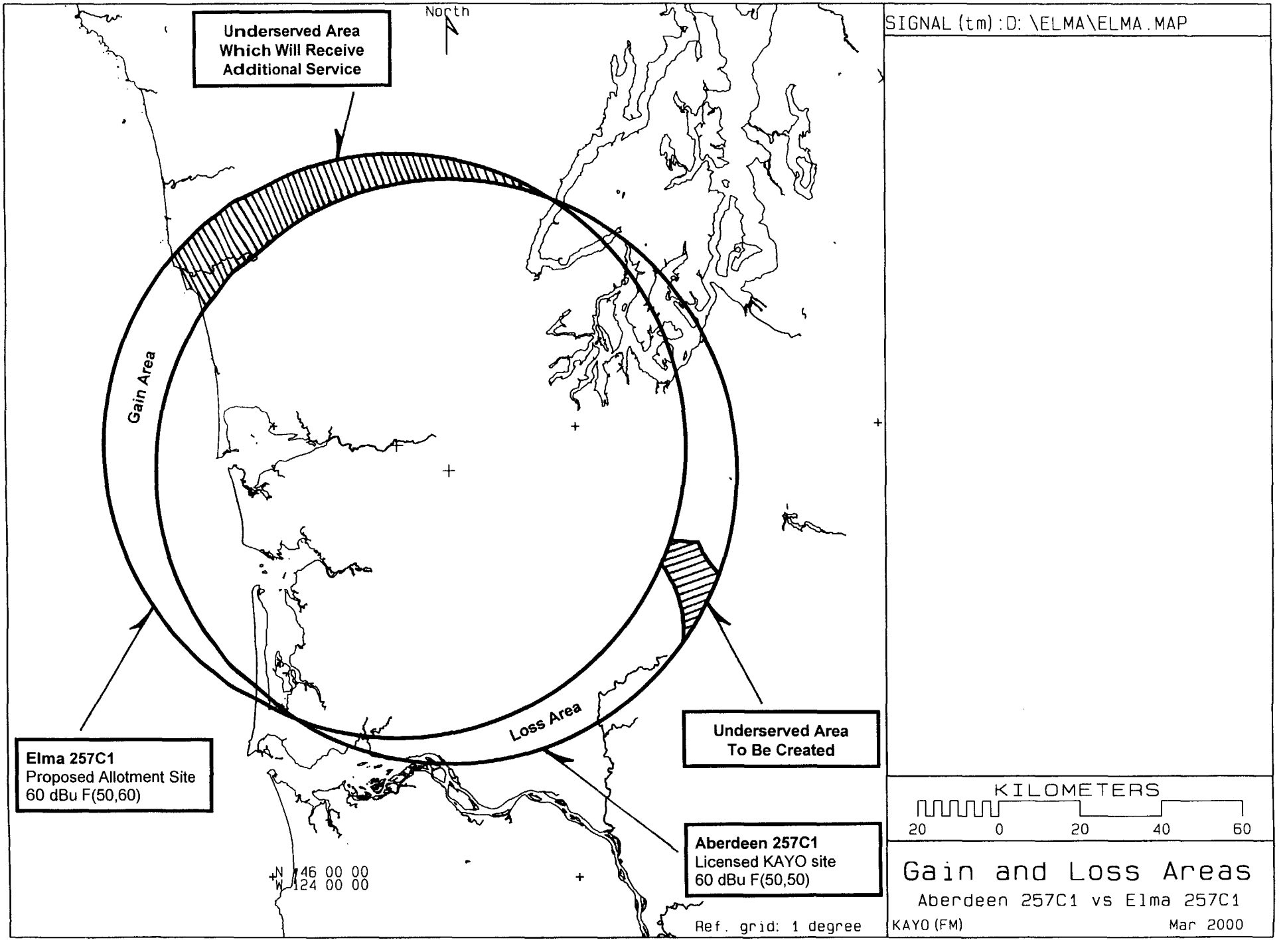
Certification of Engineer

This Engineering Statement in support of comments in MM Docket No. 00-13 has been prepared on behalf of KAYO Broadcasting. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 8th of March, 2000.



Benjamin F. Dawson III, P.E.


North
Underserved Area
Which Will Receive
Additional Service
Gain Area
Loss Area
Elma 257C1
Proposed Allotment Site
60 dBu F(50,60)
Underserved Area
To Be Created
Aberdeen 257C1
Licensed KAYO site
60 dBu F(50,50)
N 46 00 00
W 124 00 00
Ref. grid: 1 degree
SIGNAL (tm) : D: \ELMA\ELMA.MAP
KILOMETERS
20 0 20 40 60
Gain and Loss Areas
Aberdeen 257C1 vs Elma 257C1
KAYO (FM)
Mar 2000

AM Stations Providing Service
To Gain Area

Call Status	City St Co	FCC File No.	Freq Mode	Power(kW) Hrs	Cls	Latitude Longitude
KIRO LIC	SEATTLE WA US		710 DAN	50.000 NITE	A	N 47-23-55 W 122-26-01
KIRO LIC	SEATTLE WA US		710 DAN	50.000 DAY	A	N 47-23-55 W 122-26-01
KOMO LIC	SEATTLE WA US	BL19950830AB	1000 DAN	50.000 DAY	A	N 47-27-49 W 122-26-27
KOMO LIC	SEATTLE WA US	BL19950830AB	1000 DAN	50.000 NITE	A	N 47-27-49 W 122-26-27

FM Stations Providing Service To Gain Area

Call Status	City State FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude
KPLUFM	TACOMA	203C	58. DA	47-30-14
LIC	WA BLED890925KA	88.5	714.0	121-58-29
KMUN	ASTORIA	220C2	3.00	46-15-46
LIC	OR BLED830428AA	91.9	328.0	123-53- 9
KLSYFM	BELLEVUE	223C	58. DA	47-30-14
LIC	WA BLH890918KA	92.5	714.0	121-58-29
KASTFM	ASTORIA	225C1	99.	46-10-54
LIC	OR BLH810526AL	92.9	165.0	123-48-19
KUBE	SEATTLE	227C	100.	47-32-39
LIC	WA BLH831004AF	93.3	393.0	122- 6-29
KMPSFM	SEATTLE	231C	58. DA	47-30-14
LIC	WA BLH890912KB	94.1	714.0	121-58-29
KKEE	LONG BEACH	232A	3.00	46-18-51
LIC	WA BLH880401KC	94.3	71.0	124- 3- 7
KUOW	SEATTLE	235C1	100.	47-36-58
LIC	WA BLED850715KJ	94.9	224.0	122-18-28
KJRFM	SEATTLE	239C	100.	47-32-41
LIC	WA BLH810330AK	95.7	360.0	122- 6-28
KYPT	SEATTLE	243C	100.	47-32-39
LIC	WA BLH880705KA	96.5	373.0	122- 6-32
KBSGFM	TACOMA	247C	55.	47-30-14
LIC	WA BLH891018KC	97.3	729.0	121-58-29
KINGFM	SEATTLE	251C	58. DA	47-30-14
LIC	WA BLH921130KC	98.1	714.0	121-58-29
KWJZ	SEATTLE	255C	58.0 DA	47-30-14
LIC	WA BLH970317KB	98.9	714.0	121-58-29

FM Stations Providing Service To Gain Area (Continued)

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude
KISW	SEATTLE		260C	100.	47-32-41
LIC	WA	BLH850916KK	99.9	350.0	122- 6-28
KQBZ	SEATTLE		264C	58.0 DA	47-30-14
LIC	WA	BLH970311KA	100.7	714.0	121-58-29
KPLZ	SEATTLE		268C	100.	47-32-42
LIC	WA	BLH800925AH	101.5	366.0	122- 6-29
KSWW	MONTESANO		271C2	50.0	47-03-44
RM	WA		102.1	150.0	123-44-44
KZOKFM	SEATTLE		273C	100.	47-32-35
LIC	WA	BLH6556	102.5	357.0	122- 6-25
KMTT	TACOMA		279C	58. DA	47-30-14
LIC	WA	BLH920826KC	103.7	714.0	121-58-29
KCMS	EDMONDS		287C1	115.	47-46- 6
LIC	WA	BLH910729KS	105.3	220.0	122-21- 7
KJET	SOUTH BEND		289C2	14.0 DA	46-41-44
LIC	WA	BLH990804KC	105.7	290.0	123-46-17
KBKS	TACOMA		291C	58. DA	47-30-14
LIC	WA	BLH900320KC	106.1	714.0	121-58-29
KNDD	SEATTLE		299C	58. DA	47-30-14
LIC	WA	BLH980508KA	107.7	714.0	121-58-29

AM Stations Providing Service To Loss Area

Call Status	City St Co FCC File No.	Freq Mode	Power(kW) Hrs Cls	Latitude Longitude
KIRO LIC	SEATTLE WA US	710 DAN	50.000 NITE A	N 47-23-55 W 122-26-01
KIRO LIC	SEATTLE WA US	710 DAN	50.000 DAY A	N 47-23-55 W 122-26-01
KOMO LIC	SEATTLE WA US BL19950830AB	1000 DAN	50.000 DAY A	N 47-27-49 W 122-26-27
KOMO LIC	SEATTLE WA US BL19950830AB	1000 DAN	50.000 NITE A	N 47-27-49 W 122-26-27
KAST LIC	ASTORIA OR US	1370 DAN	1.000 DAY B	N 46-10-30 W 123-50-50
KAST LIC	ASTORIA OR US	1370 DAN	1.000 NITE B	N 46-10-30 W 123-50-50

FM Stations Providing Service To Loss Area

Call Status	City State FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude
KPLUFM	TACOMA	203C	58. DA	47-30-14
LIC	WA BLED890925KA	88.5	714.0	121-58-29
KWFJ	ROY	209A	1.0 DA	46-57-59
LIC	WA BLED950725KA	89.7	30.0	122-32-56
KGHP	GIG HARBOR	210A	1.50 DA	47-14-29
LIC	WA BLED880425KA	89.9	58.0	122-46-14
KZOE	LONGVIEW	212A	.500	46- 9-47
LIC	WA BLED930312KC	90.3	239.0	122-51-14
KVTI	TACOMA	215C1	51.	47- 9-39
LIC	WA BLED910510KA	90.9	111.0	122-34-35
KBTCFM	TACOMA	219C3	7.9 DA	47-18-15
LIC	WA BLED821119AF	91.7	168.0	122-23-44
KMUN	ASTORIA	220C2	3.00	46-15-46
LIC	OR BLED830428AA	91.9	328.0	123-53- 9
KLSYFM	BELLEVUE	223C	58. DA	47-30-14
LIC	WA BLH890918KA	92.5	714.0	121-58-29
KASTFM	ASTORIA	225C1	99.	46-10-54
LIC	OR BLH810526AL	92.9	165.0	123-48-19
KUBE	SEATTLE	227C	100.	47-32-39
LIC	WA BLH831004AF	93.3	393.0	122- 6-29
KMPSFM	SEATTLE	231C	58. DA	47-30-14
LIC	WA BLH890912KB	94.1	714.0	121-58-29
KKEE	LONG BEACH	232A	3.00	46-18-51
LIC	WA BLH880401KC	94.3	71.0	124- 3- 7
KUKN	KELSO	233A	6.00	46-12-54
LIC	WA BLH910905KB	94.5	100.0	123- 2-24

FM Stations Providing Service
To Loss Area
(Continued)

Call Status	City State FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude
KUOW	SEATTLE	235C1	100.	47-36-58
LIC	WA BLED850715KJ	94.9	224.0	122-18-28
KITIFM	WINLOCK	236A	0.38	46-32-35
LIC	WA BLH950501KB	95.1	268.0	123- 1-14
KJRFM	SEATTLE	239C	100.	47-32-41
LIC	WA BLH810330AK	95.7	360.0	122- 6-28
KXXO	OLYMPIA	241C	85.	46-38- 7
LIC	WA BLH900308KB	96.1	640.0	122-28- 1
KYPT	SEATTLE	243C	100.	47-32-39
LIC	WA BLH880705KA	96.5	373.0	122- 6-32
KBSGFM	TACOMA	247C	55.	47-30-14
LIC	WA BLH891018KC	97.3	729.0	121-58-29
KINGFM	SEATTLE	251C	58. DA	47-30-14
LIC	WA BLH921130KC	98.1	714.0	121-58-29
KWJZ	SEATTLE	255C	58.0 DA	47-30-14
LIC	WA BLH970317KB	98.9	714.0	121-58-29
KISW	SEATTLE	260C	100.	47-32-41
LIC	WA BLH850916KK	99.9	350.0	122- 6-28
KQBZ	SEATTLE	264C	58.0 DA	47-30-14
LIC	WA BLH970311KA	100.7	714.0	121-58-29
KPLZ	SEATTLE	268C	100.	47-32-42
LIC	WA BLH800925AH	101.5	366.0	122- 6-29
KZOKFM	SEATTLE	273C	100.	47-32-35
LIC	WA BLH6556	102.5	357.0	122- 6-25
KMNT	CENTRALIA	275C	100.	46-33-18
LIC	WA BLH850529KQ	102.9	322.0	123- 3-27

FM Stations Providing Service To Loss Area (Continued)

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude
KMTT	TACOMA		279C	58. DA	47-30-14
LIC	WA	BLH920826KC	103.7	714.0	121-58-29
KFNK	EATONVILLE		285A	2.5	46-50-24
LIC	WA	BLH950814KD	104.9	151.0	122-15-27
KCMS	EDMONDS		287C1	115.	47-46- 6
LIC	WA	BLH910729KS	105.3	220.0	122-21- 7
KLYK	LONGVIEW		288A	0.70	46- 9-52
LIC	WA	BLH941228KE	105.5	262.0	122-51-13
KJET	SOUTH BEND		289C2	14.0 DA	46-41-44
LIC	WA	BLH990804KC	105.7	290.0	123-46-17
KBKS	TACOMA		291C	58. DA	47-30-14
LIC	WA	BLH900320KC	106.1	714.0	121-58-29
KRWM	BREMERTON		295C1	55. DA	47-32-41
LIC	WA	BLH961017KE	106.9	379.0	122- 6-28
KRQT	CASTLE ROCK		296C3	0.74	46-20-35
LIC	WA	BLH931029KB	107.1	528.0	123- 5-54
KNDD	SEATTLE		299C	58. DA	47-30-14
LIC	WA	BLH980508KA	107.7	714.0	121-58-29